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9
10 **IN THE UNITED STATES DISTRICT COURT**
11
12 **FOR THE DISTRICT OF ARIZONA**

13 IN RE BARD IVC FILTERS
14 PRODUCTS LIABILITY LITIGATION

15 No. MD-15-02641-PHX-DGC

16 **AMENDED MASTER SHORT FORM**
17 **COMPLAINT FOR DAMAGES FOR**
18 **INDIVIDUAL CLAIMS AND**
19 **DEMAND FOR JURY TRIAL**

20 Plaintiff(s) named below, for their Complaint against Defendants named below,
21 incorporate the Master Complaint for Damages in MDL 2641 by Reference [Doc. 364].
22 Plaintiff(s) further show the Court as follows:

- 23 1. Plaintiff/Deceased Party:

24 Richard Smith

- 25 2. Spousal Plaintiff/ Deceased Party's spouse or other party making loss of
26 consortium claim:

27 ~~Georgia Smith~~

- 28 3. Other Plaintiff and capacity (i.e., administrator, executor, guardian, conservator):

29 N/A

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4. Plaintiff's/Deceased Party's state(s) of residence at the time of implant:

Michigan

5. Plaintiff's/Deceased Party's state(s) of residence at the time of injury:

Michigan

6. Plaintiff's current state(s) of residence:

Michigan

7. District Court and Division in which venue would be proper absent direct filing:

United States District Court for the Western District of Michigan

8. Defendants against whom Complaint is made:

⊗ C.R. Bard, Inc.

☒ Bard Peripheral Vascular, Inc.

9. Basis of Jurisdiction:

Diversity of Citizenship

Other:

a. Other allegations of jurisdiction and venue not expressed in Master Complaint:

N/A

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10. Defendants' Inferior Vena Cava Filter(s) about which Plaintiff(s) is making a claim (Check applicable Inferior Vena Cava Filter(s)):

- Recovery® Vena Cava Filter
 - G2® Vena Cava Filter
 - G2® Express (G2®X) Vena Cava Filter
 - Eclipse® Vena Cava Filter
 - Meridian® Vena Cava Filter
 - Denali® Vena Cava Filter
 - Other:

11. Date of Implantation as to each product:

03/28/2011

12. Counts in the Master Complaint brought by Plaintiff(s):

- Count I: Strict Products Liability — Manufacturing Defect
 - Count II: Strict Products Liability — Information Defect (Failure to Warn)
 - Count III: Strict Products Liability — Design Defect
 - Count IV: Negligence — Design
 - Count V: Negligence — Manufacture
 - Count VI: Negligence — Failure to Recall/Retrofit

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- Count VII: Negligence — Failure to Warn
 - Count VIII: Negligent Misrepresentation
 - Count IX: Negligence *Per Se*
 - Count X: Breach of Express Warranty
 - Count XI: Breach of Implied Warranty
 - Count XII: Fraudulent Misrepresentation
 - Count XIII: Fraudulent Concealment
 - Count XIV: Violations of Applicable Michigan Law Prohibiting Consumer Fraud and Unfair and Deceptive Trade Practices
 - Count XV: ~~Loss of Consortium~~
 - Count XVI: Wrongful Death
 - Count XVII: Survival
 - Punitive Damages
 - Other(s): _____ (please state the facts supporting this Count in the space immediately below)

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1 13. Jury Trial demanded for all issues so triable?

2 Yes

3 No

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6 Respectfully submitted this September 21, 2020.

7 /s/ Marlene J. Goldenberg
8 Stuart L. Goldenberg (*pro hac vice*)
9 Marlene J. Goldenberg (*pro hac vice*)
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17 *Attorneys for Plaintiffs*

18 I hereby certify that on September 21, 2020, I electronically transmitted the
19 attached document to the Clerk's Office using the CM/ECF System for filing and
20 transmittal of a Notice of Electronic filing.

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22
23 /s/ Marlene J. Goldenberg
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